

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

CIVIL NO. 3-96-937 (PAM/JSM)

Plaintiff,

v.

REPORT AND RECOMMENDATION

DAVID T. REDBURN,

Defendant.

JANIE S. MAYERON, U.S. Magistrate Judge

On August 28, 2007, this matter came on before the Court pursuant to an Order to Show Cause dated August 13, 2007, requiring defendant David T. Redburn ("Redburn") to show cause why he should not be held in contempt of court for failure to comply with this Court's Order of March 6, 2007. Mary Trippler, Esq. appeared on behalf of the plaintiff; no appearance was made by or on behalf of defendant Redburn, and defendant Redburn failed to respond to the Order to Show Cause.

On October 4, 2007, the undersigned issued a Report and Recommendation, recommending that due to his failure to comply with the Court's March 6, 2007 Order compelling discovery responses, Redburn be found in contempt of Court pursuant to Rule 37(b)(2)(D), arrested immediately by the United States Marshal and detained until he purged the contempt by complying with the March 6, 2007.

On October 8, 2007, Redburn provided responses to plaintiff's interrogatories. On October 10, 2007, counsel for plaintiff attached a copy of those responses to a letter to the Court, which stated that plaintiff did not believe Redburn's answers to the

interrogatories to be credible. Redburn replied by letter to the Court on October 17, 2007, stating that his answers were accurate.

Because Redburn has fully responded to the outstanding discovery that was the basis for the recommendation of contempt in this case, the Court finds that Redburn has complied with the March 6, 2007 Order and purged the contempt. If plaintiff doubts the veracity of Redburn's responses, it is not without recourse. Plaintiff can verify the responses via deposition or other discovery methods, it can prosecute Redburn under 18 U.S.C. §1001 for making false statements, or it can do both.

**RECOMMENDATION**

For the reasons set forth above, it is recommended that Redburn's contempt be discharged.

Dated:           October 25, 2007

*s/ Janie S. Mayeron*  
JANIE S. MAYERON  
United States Magistrate Judge

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties on or before November 12, 2007 a copy of this Report, written objections which specifically identify the portions of the Report to which objections are made and the bases for each objection.